

M/R

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Trinidad HERNANDEZ-Aguila

Defendant.

Magistrate Case No. 08 MJ 1081

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the

United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about, **January 29, 2008**, within the Southern District of California, defendant, **Jose Trinidad HERNANDEZ-Aguila**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Deportation Officer, Immigration &
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF April 2008.



UNITED STATES MAGISTRATE JUDGE

MIP

CONTINUATION OF COMPLAINT:**NAME: HERNANDEZ-Aguila, Jose Trinidad****PROBABLE CAUSE STATEMENT**

On Tuesday, January 29, 2008, the defendant identified as **Jose Trinidad HERNANDEZ-Aguila**, was arrested by the United States Border Patrol for illegal entry into the United States. This arrest took place approximately five miles east of the Tecate, California Port of Entry, and .5 miles north of the United States/Mexico International Border. Record checks revealed that defendant was a parole violator, and therefore a Parole Hold was issued and he was booked into San Diego County Jail for PC 3056 VIOLATION OF PAROLE. On January 29, 2008, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from custody. Subsequently, the defendant was later transferred to the custody of the California Department of Corrections, for violation of his parole and to finish term.

On Monday, April 07, 2008, the defendant was referred to United States Immigration and Customs Enforcement custody. An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about April 10, 2001 and physically removed to Mexico on or about April 10, 2001 via the Calexico Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as **Jose Trinidad HERNANDEZ-Aguila** a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.